

Ron Miller
(305) 240-0164

Barry Patterson
(305) 453-8558

August 28, 2008

Ms. Susan Grimsley
Assistant County Attorney
Monroe County Government Center
2798 Overseas Highway
Marathon, Florida 33050

Re: Proposed Amendments to Section 9.5-511(5)b
Land Development Regulations

Dear Ms. Grimsley:

As you are aware, during the July 23, 2008 Planning Commission Meeting we were directed by the Commission to put our concerns in writing and meet with the County Attorney's office on our proposed ordinance amendments and criteria.

Listed below are our suggestions:

1. Verification of property ownership shall be from the property appraiser's most recent records; a notarized statement is an unnecessary burden to the protest process as the list is already "verified" by a Government office.
2. Protest form "provided by the county shall be mailed to property owners" within (200 feet) of the property effected by the proposed change. (The number of days should be specified to ensure adequate time is allowed for a response.)
3. LDR modifications should reflect the number of property owners, not land mass, as currently being proposed.
 - a. Potential problems with land mass formulas could be - bay bottom, 100% hammock lots, wetlands, etc.
 - b. Existing LDR 9.5-45 does not consider quantity of land owned, but instead "all of real property".

Ms. Susan Grimsley

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Assistant County Attorney

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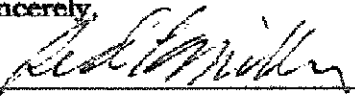
- c. Existing LDR 9.5-68 and 9.5-69 does not consider quantity of land owned, but instead "all owners of real property".
 - d. Persons owning 'more land mass' should not be legally entitled to "more say" or "more rights".
- 4. All government owned lands should be excluded.
- 5. If you increase the distance to 300 feet then the percentage should be 10% not 20%.
- 6. The July 11, 2008 memorandum "using 20% of the owner's may lead to a larger number of people protesting, but who may only own 5% of the property." Monroe County Government should consider equal standing; this proposal gives greater standing based on land mass.
- 7. LDR 9.5-511(5) b shall include both land use changes:
 - a. Land use district map amendments
 - b. Future Land use map (FLUM) amendments
- 8. At sub-paragraph "c" on page 3 - one should only be required to file a protest file at the clerk's office only. The clerk's office can date stamp the documents and distribute them.
 - a. The proposed amendment requires filing at the county attorney's office and to the applicant. This proposed procedure is unreasonably cumbersome. e.g. A community might be disqualified if the applicant says they never received all the protests.
- 9. How will the protests be verified? This is a vague statement and undefined. What is the procedure, who will do the verification and what is the time-line to allow for any protest to be made in a timely manner?

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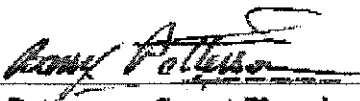
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After speaking with County Commissioner Sylvia Murphy, we look forward to discussing this LDR modification at a meeting to be scheduled in her office, prior to the September 10, 2008 Planning Commission Meeting.

Sincerely,



Ron Miller, Upper Keys Citizens Association (305) 240-0164



Barry Patterson, Smart Planning and Growth Coalition (305) 453-8558

cc: Commissioner Sylvia Murphy
Planning Commissioners
Andrew Dickman, P.A.